

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, William Bischoff, Patricia Dziubek Frank Mazza.

Absent: None

Others Present: J. Peter Jost, Esq., Attorney, John Reymann, Twp. Engineer, Grace Brennan, CFO, Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

- a. Special 2008 Budget Workshop and Budget Workshop Executive Session Meeting Minutes of April 28, 2008.

Mrs. Dziubek made a motion to approve the said minutes. Mr. Severino seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

- b. Regular and Executive Session Meeting Minutes of May 7, 2008.

Mr. Haynes corrected the title of Mr. Herman to read “Road Dept. Foreman” not “Road Dept. Director”. Mr. Bischoff corrected misspelled word “form” to “from” in Executive Session Minutes.

Mr. Severino made a motion to approve the said minutes reflecting the above amendments. Mr. Bischoff seconded the motion. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Abstained: Mr. Mazza. Motion carried

VISITORS

- a. UT Environmental Commission

Michele McBride, member of the UTEC, gave an extensive overview and provided hard copies of the report regarding following subjects:

- Hoffman House Quotations for Safety and Stabilization
- Hoffman North Barns – Potential Long Term Lease
- Rental Property Potential Grid, per meeting with Property Manager Mr. Earle Steeves, resident of the Township
- Douglas Property Potential for Farmland Preservation

Mayor Mazza extended thanks to Ms. McBride for taking her valuable time to gather all the information. Ms. McBride stated that thanks should also go to Mr. Wingler and Mr. Hurford for helping.

Ms. McBride introduced Mrs. Lingelbach, member of the Township Historical Society, who would like to offer some comments and the history on the Hoffman Property.

Mrs. Lingelbach gave a few details of Mr. Hoffman's personal life and emphasized on how valuable and unique the property is. Her personal opinion is that the property should be saved.

Mr. Severino stated that the Township Committee has to very carefully consider its options when it comes to saving the house. Currently, he said, building a new house would perhaps be more reasonable then investing in renovating the existing one.

Mayor Mazza stated that he would be willing to give more time to Mrs. Lingelbach to research the property more closely.

Mrs. Dziubek said that she would like to move forward and do whatever is necessary to make the property marketable.

Ms. McBride introduced Mike Romanek, next-door neighbor to the Hoffman property, who would be potentially interested in long term leasing of the barns located on the property.

Mr. Romanek, 50 Baptist Church Rd. expressed his interest in improving the structure of the barns. He would use them for parking/storage of the construction equipment that is used in his very low key, no noise and neighbor friendly business.

Atty. Jost stated that the County would have to be notified of any decisions regarding the Hoffman property.

Ms. McBride felt that it would be advantageous to the Township to have the next-door neighbor lease part of the property.

Preservation of the Douglas's Farm was briefly discussed.

Mayor Mazza asked if Mrs. Lingelbach would consider sitting on the Scenic Byway Committee that is working on dedicating Route 78 as such. Atty. Jost explained that the Committee is involved with many municipalities, especially those along Route 78. He felt that with Mrs. Lingelbach knowledge and expertise of the area, she would be a tremendous asset to the Committee. Mrs. Lingelbach agreed.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 5/2/08; 5/9/08
- b. Construction Dept. – April 2008
- c. Municipal Court – April 2008
- d. Environmental Commission

OUT OF AGENDA ORDER

PUBLIC COMMENTS - None

Mr. Edward Allen, 659 Route 579, came before the Committee to report suspected commercial activity on his neighbor's property.

Atty. Jost stated that some information about this matter was presented in the Zoning Officer's Memo to the Township Committee. He suggested not going into details of this matter as it may end up in litigation very soon. Mr. Jost added that the Township would be in contact with Mr. Allen regarding this matter.

A student from a local school asked for the Mayor's signature in order to receive a credit for one of his classes. Mayor Mazza fulfilled his request.

BACK TO AGENDA ORDER

CORRESPONDENCE

Mr. Bischoff mentioned the following:

- Bill A-500 on Affordable Housing, which creates new category of Middle Income Households. He wondered if the category for Rich Income Households might be created next.
- A memo from NJLM on Local Unit Alignment, Reorganization and Consolidation Commission recommending legislative changes, which would encourage the more efficient operation in local government. Mr. Bischoff expressed the irony of that organization would recommending more efficient operation of government, GREAT!
- A letter from the Division of Corrections on Labor Assistance Program.
- Highlands Council request to support Voter Referendum on Water Fee. Mr. Bischoff recommended passing resolution on the subject of water fees. Atty. Jost agreed, stating that it should be adopted and circulated among other municipalities.

Mr. Severino mentioned the following:

- Had none regarding correspondence

Mrs. Dziubek mentioned the following:

- "Braking the Cycle "request to travel through Union Twp. on September 27, 2008. The three-day bicycle ride will benefit the HIV/IDS services of New York's LGBT Center. **Mrs. Dziubek made a motion to approve the above-mentioned event, subject to providing sufficient certificate of insurance. Mr. Severino seconded. Vote – Ayes; Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.**
- Request by Red Hills Quarry to change zoning of the site. The matter will go before the UT Planning and Zoning Board.
- Notice from the State regarding Bl. 22, Lot 9&10 on Presence or Absence of Wetlands Determination Extension Request

Mr. Haynes mentioned the following:

- The matter will be discussed under Engineer's report

Mayor Mazza mentioned the following:

- Asked the Township Committee to allocate \$500.00 to join the NJ League of Municipalities in the fight against COAH regulations. Resolution has been prepared for adoption later at the meeting.
- Asked progress on issues regarding tractor-trailers stopping and standing along Rt. 173. Atty. Jost indicated that the State Bureau of Traffic Engineering responded to his letter, indicating that State investigators have been assigned to the case. We should have the results of that investigation soon.

PUBLIC HEARING – 2nd reading – None

Before continuing with the Agenda order Mayor Mazza asked that the Memo from Darlene Beam, Construction Office Secretary, be discussed. Mrs. Beam was present.

Atty. Jost asked Mrs. Beam if she would like the discussion to be in closed or open session of the meeting. Mrs. Beam had no preference. The discussion continued in an open session.

Mrs. Beam stated her distress about the letter of reprimand of April 7, 2008 that Mr. Bischoff had written and asked that it go into her personnel file. Mrs. Beam said that she feels it was a miscommunication on the part of both parties. She also mentioned that the employee manual policy was not followed properly regarding issuance of that letter. Mr. Bischoff said that he had consulted Mr. Jost, Twp. Attorney, before proceeding with the letter. He also gave a detailed explanation of the situation that was in question which was re-hiring of the electrical sub-code official/advertising for a new candidate. Mr. Bischoff said the agreement on how to proceed with this matter was made on February 27, 2008 with John Leonard, Building Official regarding the position. The agreement then was violated by Mrs. Beam who the notice to advertise for the electrical sub-code position. Mr. Bischoff said that was the reason for a written letter of reprimand.

Mrs. Beam argued that different Committee members gave her different instructions back in January. Atty. Jost clarified that Mr. Bischoff had been appointed a personnel Liaison to the Twp. Committee and he was the Committee member to be contacted with any personnel issues. Atty. Jost added that Mrs. Beam has a right to respond in writing to Mr. Bischoff's letter and ask that it be filed in her personnel file.

Mr. Haynes asked if the procedures specified in the Employee manual for reprimanding an employee were followed. Mr. Bischoff re-confirmed that after conferring with Mr. Jost, the procedure according to the manual was followed properly.

Mrs. Beam brought to the Committee's attention difficulties of running the Construction office with electrical sub-code official working on Tuesdays and Thursdays.

The Committee directed Mrs. Beam that if there are any problems in the future she is to come and seek advice from the Twp. Committee.

OLD BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION #2008-
UNION TOWNSHIP, HUNTERDON COUNTY
2008-2009 PLENARY RETAIL CONSUMPTION LICENSE – RENEWAL**

The above resolution was tabled due to missing tax clearance certificate.

- b. **Motion** – HC Board of Chosen Freeholders considering request that NJDEP become the County Wastewater Management Planning Agency

Twp. Engineer has contacted the County regarding the subject with questions posed by the Committee at the last meeting, but no response as of today. No action taken.

Mr. Bischoff noted that the Engineer's report concerning this indicated that one of the requirements would be preparation of the Wastewater Management Plan. He stated that the Township has developed and approved its own plan.

Atty. Jost will prepare resolution dealing with the above-mentioned matter for the next meeting.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION #2008-93

RESOLUTION OF INTENT TO APPEAL COAH REGULATIONS

WHEREAS, the New Jersey Council on Affordable Housing has adopted new Third Round Affordable Housing Regulations; and

WHEREAS, those regulations will impose an unreasonable burden, which will adversely impact the property taxpayers of this municipality; and

WHEREAS, various municipalities have gathered together for the purpose of exploring common litigation challenging the validity of the regulations;

NOW, THEREFORE, BE IT RESOLVED that the Township of Union does hereby express its intent to join in such litigation for the common welfare, subject to entry into an inter-local services agreement for such purpose.

BE IT FURTHER RESOLVED that the Township of Union agrees to contribute the sum of \$8,000.00 towards the litigation challenging Third Round Affordable Housing Regulations.

Atty. Jost recommended amending above resolution by adding last paragraph indicating the amount of contribution towards the litigation.

Mr. Bischoff made a motion to adopt above resolution as amended. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mayor Mazza asked that we approve joining NJ League of Municipalities in litigation challenging COAH regulation. The following motion was offered:

Mr. Bischoff made a motion to authorize the expenditure in the amount of \$500.00 to the New Jersey League of Municipalities in conjunction with litigation to be brought by the League challenging COAH regulations. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

b. The following resolution was introduced for adoption:

RESOLUTION #2008-94**UNION TOWNSHIP, HUNTERDON COUNTY
FIREWORKS – HUNTERDON DEVELOPMENTAL CENTER**

WHEREAS in order to provide entertainment at the Hunterdon County Developmental Center, located at 40 County Road 513, Clinton, New Jersey, permission has been requested to allow a fireworks display on Friday, September 5, 2008, at approximately 9:00 p.m. or dark; rain date, September 12, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that permission is granted to allow a fireworks display at the Hunterdon County Developmental Center on Friday, September 5, 2008; approximately 9:00 p.m. or dark; rain date, September 12, 2008, subject to the following conditions:

1. The persons conducting the fireworks display and all other persons involved shall hold the Township of Union harmless from any liability in connection with said display.

2. A Certificate of Liability Insurance listing the Township of Union, 140 Perryville Rd., Hampton, N. J. 08827, as a named insured shall be supplied to the Township Clerk prior to issuance of this consent.
3. Compliance with all requirements of law and any requirements of the Township's Insurance Carrier.

Mrs. Dziubek made a motion to approve above resolution subject to providing certificate of insurance naming the Township as an additional insurer. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- c. The following resolution was introduced for adoption:

RESOLUTION 2008-95
Re: Road Opening Escrow Refund
Dianna and Steve Proper, 15 Wolf's Farm Road, Hampton, NJ 08827

WHEREAS, Dianna and Steve Proper posted a road opening escrow for work performed at 15 Wolf's Farm Road, and

WHEREAS, the work and inspection are complete, and

WHEREAS, in a letter dated April 29, 2008 the Township Engineer has confirmed the completion,

NOW, THEREFORE, BE IT RESOLVED, that the balance of the road opening escrow account, in the amount of \$317.50 be refunded to Dianna and Steve Proper.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- d. The following resolution was introduced for adoption:

RESOLUTION 2008-96
Re: Road Opening Escrow Refund
Leo Hummer, 213 Main Street, Asbury, NJ 08827

WHEREAS, Leo Hummer posted a road opening escrow for work performed at 13 Main Street, and

WHEREAS, the work and inspection are complete, and

WHEREAS, in a letter dated April 29, 2008 the Township Engineer has confirmed the completion,

NOW, THEREFORE, BE IT RESOLVED, that the balance of the road opening escrow account, in the amount of \$259.00 be refunded to Leo Hummer.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

e. The following resolution was introduced for adoption:

RESOLUTION 2008-97
RE: HENRY LEWIS LAKESIDE ESTATES
DRIVEWAY INSPECTION FEE REFUNDS

WHEREAS, Henry Lewis, Platinum Builders, Lakeside Estates posted \$700.00 per lot for driveway inspection fees at Lookout Pointe, and

WHEREAS, Mr. Lewis has requested refunds for the unused portion of these fees, and

WHEREAS, Maser Consulting, the Township Engineer, in a letter dated 5/8/08 has recommended the release of these unused fees,

NOW, THEREFORE, BE IT RESOLVED, that the following inspection fees be released to Henry Lewis, Platinum Builders, Lakeside Estates

Block 25 Lot 2.02	\$481.00
Block 25 Lot 2.05	632.50
Block 25 Lot 2.04	293.50
Block 25 Lot 2.06	471.50
Block 25 Lot 2.03	441.00
Block 25 Lot 2.07	313.25

Total \$2,632.75

Mrs. Dziubek made a motion to adopt above resolution. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

f. **Motion** – Approval of “Braking the Cycle” Event on September 27, 2008

Motion was voted on under Correspondence Section of the meeting

g. **Discussion** – Letter from the Construction Office Secretary

Matter discussed under Public Comments Section of the meeting

NEW ORDINANCE – 1ST Reading - None

REPORTS

a. **Engineer’s Report** – Mr. Reymann reported the following/written report submitted:

- Van Syckel’s Road; bids were opened on May 13th. Six bids were received. Engineer Reymann recommended awarding the contract to the lowest bidder, DeSantis Construction Company, in the amount of \$101,020.60.

Mr. Haynes made a motion to award the contract for Van Syckel’s Road Improvements to DeSantis Construction Inc., 491 Elizabeth Avenue, Somerset, New Jersey 08873 in the amount of \$101,020.60.

Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- Applications to NJDOT for 2009 Municipal Aid are due by June 20, 2008. The following resolution authorizing submission of the application was introduced:

RESOLUTION #2008-98

UNION TOWNSHIP, HUNTERDON COUNTY

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Perryville Road Improvements project

WHEREAS, the Township of Union, Hunterdon County, has been notified there are available funds under the Municipal Aid Transportation Act; and

WHEREAS, Perryville Road Improvements from north-west of the Township Municipal Building, approximately 2,3000 L.F. to south-east along Perryville Road to Main Street (Jutland) in the Township of Union, County of Hunterdon, State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Union Township Mayor and the Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Union Township-00073 to the New Jersey Department of Transportation on behalf of the Township of Union.

BE IT FURTHER RESOLVED that the Mayor and the Township Committee are hereby authorized to sign the grant agreement on behalf of the Township of Union and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Mr. Haynes made a motion to adopt above resolution. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- Edna Mahan Frontage Road – waiting for a response from the NJDOT.
- Grand Colonial – the Developers are working to establish grass on the pervious parking lot.
- Drainage/flooding problem on Van Syckel's Corner Rd. and Coachman Dr. Mr. Haynes said the Road Dept. would work on correcting the problem; it is just the matter of scheduling the time.
- Will continue to monitor problems that were brought before the Committee by Mrs. Berry of 10 Albert Drive.
- Driveway violation was issued for 327 Strotz Road. No response to date.
- 2008 NJDEP Annual Municipal Stormwater Report was submitted electronically the to the State.
- Researched information on Rates of Speed Limits in New Jersey in relation to no speed limit signs on Finn Road. It would be his understanding that according to NJ Statue 39:4-98 Finn Rd. would fall under the 35 MPH speed limit. Atty. Jost will write to the NJDOT asking to conduct speed survey on Finn Rd.

b. Attorney's Report – Mr. Jost reported the following:

- Atty. Jost had matters for Executive Session.
- Asked if authorization was approved to apply for Highlands assessment grants. Mrs. Dziubek indicated that it was voted on at the last Committee Mtg.

- Attended the County Planning Board Meeting held in Readington. Issues such as signs regulations, scenic bi-ways, weigh stations, road noise, etc. were discussed. Next meeting is scheduled for June 16th at Lebanon Borough.

c. Mayor's Report

- Had matters for Executive Session

d. Committee Report

Mr. Bischoff reported the following:

- Nothing to report at this time

Mr. Severino reported the following:

- Temporary fence is going up tomorrow at the Hoffman property
- Working on arranging the meeting on Police Shared Services
- Was contacted by Recycling Coordinator and promised a draft of a new recycling plan would be prepared that would comply with new County regulations. The Recycling Coordinator said he would complete the annual tonnage report by the end of this month.

Mrs. Dziubek reported the following:

- Asked that comments from the Committee on RFP's for Milligan Farm be submitted before the COAH subcommittee meeting on May 29th at 6:30 p.m.
- She said that she would take the final Milligan site plans to the County for approval and wanted to know if all Committee members have seen the plans. The Committee looked at the plans and voiced their satisfaction with them.
- Attended the meeting with DCA representatives Dennis Sanders and Thomas Hibbs on Balanced Housing Program. Also present for the meeting was Twp. CFO Grace Brennan, Mary Beth Lonergan, Kathleen Grady. The site visit of the Milligan Farm was requested by the NJDCA and coordinated by Mr. Hintz. Mrs. Dziubek gave a detailed overview of the meeting and distributed a written report to the Committee members and to the Clerk. Attached to the written report was information provided by Mr. Hibbs and Mr. Sanders concerning the grant and its financial details. Mrs. Dziubek would like to have a discussion regarding this site visit at the next Committee meeting. Mr. Bischoff, after reading the DCA Grant info, noted that it is a loan not a grant. Atty. Jost suggested that Mrs. Lonergan attend a future Committee meetings to explain and clarify some of COAH issues.
- She has not received any information on the NFA letter regarding Milligan property.
- Mary Beth Lonergan has updated the Committee on proposed amendments to the Third Round COAH Rules. Mrs. Dziubek mentioned that our obligation remains at 48.18 COAH units. Mr. Bischoff stated that he would like a professional to explain in plain language COAH rules and regulations.

Mr. Haynes reported the following:

- He received a phone call from the County regarding site inspections of the Township's green acres properties. There was no need for Township representatives to be present.
- Provided prices for signs requested by the Horse Trail Association; they are: \$45.00-large; \$21.00-small; 10' posts-\$25.00 plus shipping. Had not placed an order yet; looking for a better price.

MINUTES OF REGULAR MEETING May 21, 2008

- He attended PEOSHA meeting on indoor air quality program. He mentioned that as of last year the program should be implemented at every municipality. Prepared a draft of the program plan for Union Township and offered a copy to Mr. Severino for review.
- Talked about Spill Prevention Control and Countermeasure Plan that needs to be implemented by the municipality to comply with the State regulation. Copies with information about the plan were distributed.

Mayor Mazza announced to the Committee that he has contacted Mr. Bolzano, an environmentalist specializing in Highlands Preservation Regulations and asked him to submit his resume for the Committee's review. Mr. Mazza would like the Committee to consider hiring Mr. Bolzano to help the Township with issues pertaining to Highlands and other environmental matters. He would be hired under professional services contract on an as needed basis.

e. Clerk's Report

- Asked if the title of Deputy Clerk could be added to the advertisement for position of an office administrative assistant in case of a need to perform Clerk's duties. The Committee replied in the negative. Atty. Jost stated that the new hire could be appointed to the deputy clerk position at any time. Mr. Bischoff said that if there is a need for anyone, other than the Clerk, to attend the Committee meeting that person could be appointed deputy the evening of the meeting.

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof, excluding PO #18970 to Maser Consulting in the amount of \$793.25. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

EXECUTIVE SESSION

At approximately 10:29 p.m., the following resolution was introduced for adoption:

**RESOLUTION #2008-99
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempt from the public.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Litigation and Contract Negotiations.

Atty. Jost asked the minutes to reflect that the employee requesting personnel discussion asked that the matter be discussed in an open public session of the meeting.

Mr. Haynes asked the minutes to reflect that the Construction office is open three (3) days per week, Monday, Wednesday and Friday.

Mr. Dziubek made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At approximately 11:12 PM, Mr. Severino made a motion to return to the regular meeting, Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 11:13 p.m.

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk